

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Heather J. JORDAN

Appl. No. 09/613,903

Filed: July 11, 2000

For: **Nucleic Acid Ladders**



Confirmation No.

Art Unit: 1655

Examiner: Sisson, B.

Atty. Docket: 0942.4450001/RWE/AGU

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Reply To Restriction Requirement

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action dated **July 27, 2001**, Applicant hereby reply as follows.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

The Examiner has required restriction under 35 U.S.C. § 121 to an invention defined by the following groups of claims:

Group I, claims 1-27 and 35-37, drawn to a composition of ladder comprising a mixture of nucleic acid fragments of different lengths, and claims 39-42, drawn to a kit comprising the composition or ladder;

Group II, claim 28, drawn to a recombinant DNA molecule comprising said fragments;

Group III, claims 29-31, drawn to a vector;

Group IV, claims 32-34, drawn to a transformed host cell; or

Group V, claim 38, drawn to a method for sizing one or more nucleic acid molecules of unknown length.

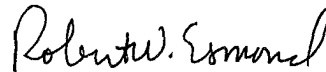
Applicant provisionally elects with traverse the invention defined by the Examiner as Group I, claims 1-27, 35-37 and 39-42. Applicant reserves the right to file divisional applications directed to the non-elected claims.

Applicant respectfully requests that the Examiner reconsider the requirement for restriction and that he withdraw it. MPEP § 803 provides that if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent and distinct inventions. Applicant notes that in the parent application 08/892,884, every claim was examined and no Restriction Requirement was issued. In view of the fact that all of the claims have already been examined at least once, it would certainly not be a serious burden upon the Examiner to reexamine the same claims in the present application. Therefore, under MPEP § 803, the restriction is improper and must be withdrawn.

Applicant submits that the application is fully in condition for examination. An early examination of all claims on the merits is earnestly solicited.

Respectfully submitted,

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